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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9068**
Eiji UEDA et al. : Attorney Docket No. 2000_0727A
Serial No. 09/590,075 : Group Art Unit 2154
Filed June 9, 2000 : Examiner Haresh N. Patel
DATA DISTRIBUTION SYSTEM AND
DEVICES USED THEREIN : **Mail Stop: Petition**

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

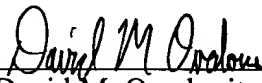
On February 25, 2008, a Notice of Abandonment mailed February 22, 2008 was received for the above-identified application. The Notice of Abandonment indicates that the application was abandoned due to the failure to timely file a proper reply to the non-final Office Action mailed August 13, 2007. Specifically, the Notice of Abandonment indicates that no reply to the non-final Office Action has been received by the U.S. Patent and Trademark Office (PTO). However, a response to the non-final Office Action was, in fact, filed on February 12, 2008 with the appropriate three month extension of the response period.

Further, it is noted that section (7) of the Notice of Abandonment indicates that the Examiner contacted the undersigned on February 15, 2008 and confirmed that no response was filed to the non-final Office Action of August 13, 2007. However, while the Examiner did leave a voicemail message for the undersigned inquiring into the status of any response to the non-final Office Action of August 13, 2007, the undersigned was out of the office on February 15, 2008 and did not speak to the Examiner. In fact, the Examiner's telephone call was not returned until the following week. As a result, the statement in section (7) that the Examiner confirmed with the undersigned that no response was filed on February 15, 2008 is not true.

Enclosed herewith is a postcard receipt date-stamped February 12, 2008 by the PTO as evidence that the reply was timely filed. The postcard receipt indicates that on February 12, 2008, a PTO fee transmittal form, amendment, petition for three month extension of time, and a check in the amount of \$1,050.00 for the petition fee were filed. As shown by this date-stamped postcard receipt, the Notice of Abandonment is improper and its immediate withdrawal is respectfully requested. Also, included herewith are copies of all of the items listed on the postcard receipt.

Respectfully submitted,

Eiji UEDA et al.

By: 
David M. Ovedovitz
Registration No. 45,336
Attorney for Applicants

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
March 19, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Eiji UEDA et al. : Attorney Docket No. 2000_0727A
Serial No. 09/590,075 : Group Art Unit 2154
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DATA DISTRIBUTION SYSTEM
AND DEVICES USED THEREIN : Mail Stop: Amendment

PATENT OFFICE FEE TRANSMITTAL FORM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

Attached hereto is a check in the amount of \$1,050.00 to cover Patent Office fees relating to filing the following attached papers:

Petition for Extension of Time \$1,050.00

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Eiji UEDA et al.

By

David M. Oredovitz
Registration No. 45,336
Attorney for Applicants

DMO/jmj
WENDEROTH, LIND & PONACK, L.L.P.
2033 K St., N.W., Suite 800
Washington, D.C. 20006-1021
Telephone (202) 721-8200
February 12, 2008

[Check No. _____]

2000_0727A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9068**
Eiji UEDA et al. : **Attorney Docket No. 2000_0727A**
Serial No. 09/590,075 : **Group Art Unit 2154**
Filed June 9, 2000 : **Examiner Haresh N. Patel**

**DATA DISTRIBUTION SYSTEM AND
DEVICES USED THEREIN**

Mail Stop: Amendment

PETITION FOR EXTENSION OF TIME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

Petition hereby is made for a three month extension of time to respond to the communication of August 13, 2007.

The fee of \$1,050.00 is

☒ (X) submitted herewith.

☐ () to be charged to Deposit Account No. 23-0975. A duplicate copy of this Petition is enclosed.

☐ () Small entity status of this application is established by a Small Entity Status Assertion which
☐ () is enclosed.
☐ () has been previously submitted.
☐ () has been previously asserted.

Respectfully submitted,

Eiji UEDA et al.

By

David M. Ovedovitz
Registration No. 47,336
Attorney for Applicants

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 12, 2008



ATTY DOCKET #: 2000_0727A

Due Date: February 13, 2008

Confirmation No. 9068

OUR REF: 2000_0727A/DMO/01413

Applicant: Eiji UEDA et al.

Serial No.: 09/590,075

Filing Date: June 9, 2000

Title: DATA DISTRIBUTION SYSTEM AND DEVICES USED THEREIN

Receipt of the following papers is acknowledged:

Patent Office Fee Transmittal Form (in duplicate)

Petition for Three Month Extension of Time

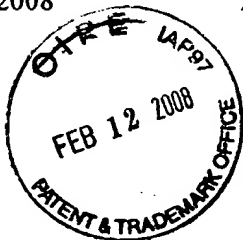
Amendment

Check in the amount of \$1,050.00

Date: February 12, 2008

Attorney: DMO/jmj

[Check No. 84627 **]**





84627

WENDEROTH, LIND & PONACK, L.L.P.

PATENT ATTORNEYS

2033 K STREET, N.W. SUITE 800

WASHINGTON, D.C. 20006

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ACH RT:061000104
65-270-550

02/12/08

PAY TO THE
ORDER OF THE COMMISSIONER OF PATENTS AND TRADEMARKS

\$1,050.00

DOLLARS

ONE THOUSAND FIFTY AND 100/100 DOLLARS

COPY

403/590/075/1433 three month ext. of time 2000/0727A DMO 1050.00

MEMO

Michael R. Davis

AUTHORIZED SIGNATURE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 9068**
Eiji UEDA et al. : Attorney Docket No. 2000_0727A
Serial No. 09/590,075 : Group Art Unit 2154
Filed June 9, 2000 : Examiner Haresh N. Patel
DATA DISTRIBUTION SYSTEM AND
DEVICES USED THEREIN : **Mail Stop: Amendment**

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

Sir:

In response to the Office Action dated August 13, 2007, the period for response having been extended by three months to February 13, 2008, please amend the above-identified application as follows.

Amendments to the Claims

Claim 1-31 (Canceled)

Claim 32 (Currently Amended) A broadcast data receiving device for receiving and outputting broadcast data, broadcast on a designated channel, including a plurality of multimedia data and attribute information, said broadcast data receiving device comprising:

a receiving unit operable to sequentially receive the plurality of multimedia data and the attribute information, the plurality of multimedia data and the attribute information being included independently of each other in the broadcast data, ~~and the attribute information including a table of information respectively corresponding to the plurality of multimedia data, and the table of information including information indicating a data type of the plurality of received multimedia data;~~

~~an outputting unit operable to output the plurality of received multimedia data;~~

a storing unit operable to store the plurality of received multimedia data and the attribute information; ~~and~~

~~an outputting unit operable to output the plurality of stored multimedia data; and~~

a managing unit operable to create management information for collectively managing the plurality of stored multimedia data and the attribute information, ~~and to manage the plurality of stored-received multimedia data with reference to the attribute information associated with the management information, the plurality of stored multimedia data and the attribute information being kept under management in association with each other, to refer to the data type included in the attribute information associated with the management information, and to change a process, performed by the outputting unit, for outputting the plurality of stored multimedia data according to the data type.~~

Claims 33 and 34 (Canceled)

Claim 35 (Currently Amended) The broadcast data receiving device according to claim 32, 34, wherein the data type includes at least an HTML format.

Claim 36 (**Currently Amended**) The broadcast data receiving device according to claim 32, wherein the attribute information includes start-up information of the plurality of received multimedia data.

Claim 37 (**Currently Amended**) A broadcast data receiving method for receiving and outputting broadcast data, broadcast on a designated channel, including a plurality of multimedia data and attribute information, said broadcast data receiving method comprising:

sequentially receiving the plurality of multimedia data and the attribute information, the plurality of multimedia data and the attribute information being included independently of each other in the broadcast data, ~~and the attribute information including a table of information respectively corresponding to the plurality of multimedia data, and the table of information including information indicating a data type of the plurality of received multimedia data;~~

~~_____ outputting the plurality of received multimedia data;~~

storing the plurality of received multimedia data and the attribute information;

~~_____ outputting the plurality of stored multimedia data;~~

creating management information for collectively managing the plurality of stored received multimedia data and the attribute information; and information, the plurality of stored multimedia data and the attribute information being kept under management in association with each other;

~~_____ the plurality of multimedia data and the attribute information included in the broadcast data, and managing the plurality of stored received multimedia data with reference to the attribute information associated with the management information, the plurality of multimedia data and the attribute information being kept under management in association with each other information;~~

~~_____ referring to the data type included in the attribute information associated with the management information; and~~

~~_____ changing a display process for outputting the plurality of stored multimedia data according to the data type.~~

Claim 38 (Currently Amended) The broadcast receiving device according to claim 32, wherein the attribute information includes an identification code, a storage location, ~~a data type~~, a number of links to other multimedia data, an image number, and a data size of each received multimedia data in association with each other in the table of information respectively corresponding to the plurality of received multimedia data.

Claim 39 (Currently Amended) The broadcast receiving device according to claim 38, wherein:
the identification code of each multimedia data respectively specifies each multimedia data present in the plurality of received multimedia data;

the storage location of each multimedia data are recorded as a uniform resource locator;

the number of links to the multimedia data specifies data which is linked to other multimedia data present in the plurality of received multimedia data; and

the image number of each multimedia data specifies a number of sheets of images included in the ~~that~~ multimedia data.

Claim 40 (Currently Amended) The broadcast receiving device according to claim 37, wherein the attribute information includes an identification code, a storage location, ~~a data type~~, a number of links to other multimedia data, an image number, and a data size of each received multimedia data in association with each other in the table of information respectively corresponding to the plurality of received multimedia data.

Claim 41 (Currently Amended) The broadcast receiving device according to claim 40, wherein:
the identification code of each multimedia data respectively specifies each multimedia data present in the plurality of received multimedia data;

the storage location of each multimedia data are recorded as a uniform resource locator;

the number of links to the multimedia data specifies data which is linked to other multimedia data present in the plurality of received multimedia data; and

the image number of each multimedia data specifies a number of sheets of images included in the ~~that~~ multimedia data.

Claim 42 (Currently Amended) The broadcast receiving device according to claim 32, wherein the attribute information includes an identification code, and a storage location ~~and a data type~~.

Claim 43 (Currently Amended) The broadcast receiving device according to claim 42, wherein:
the identification code of each multimedia data respectively specifies each multimedia data present in the plurality of received multimedia data; and
the storage location of each multimedia data are recorded as a uniform resource; and
~~the data type indicates a data type of that multimedia data~~ resource.

Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claims 39, 41 and 43 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 39, 41 and 43 have been amended so as to address this rejection. As a result, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

Claims 32, 34, 36 and 37 have been rejected in three separate rejections under 35 U.S.C. §103(a). The first rejection is based on the disclosure of Vallone (US 6,642,939) in view of the disclosures of Vynne (US 5,960,081), and MPEG-7: Applications and Supporting Technologies, pages 61-64, Mohamed Abdel-Mottaleb, 1998 (hereinafter Mohamed). The second rejection is based on the disclosure of Vallone in view of the disclosures of Vynne and Augenbraun (US 5,857,181). The third rejection is based on the disclosure of Vallone in view of the disclosures of Vynne and WO 99/22502.

Claims 32 and 37 have been amended so as to further distinguish the present invention, as recited therein, from the references relied upon in the rejections, in part, by including features similar to those previously recited in claim 34. Further, claim 34 has been canceled without prejudice or disclaimer to the subject matter contained therein.

The above-mentioned rejections are submitted to be inapplicable to the amended claims for the following reasons.

Claim 32 is patentable over the three rejections set forth above, since claim 32 recites a broadcast data receiving device including:

a receiving unit operable to sequentially receive the plurality of multimedia data and the attribute information, the plurality of multimedia data and the attribute information being included independently of each other in broadcast data, the attribute information including a table of information respectively corresponding to the plurality of multimedia data, and the table of information including information indicating a data type of the plurality of received multimedia data;

a storing unit operable to store the plurality of received multimedia data and the attribute information;

an outputting unit operable to output the plurality of stored multimedia data; and

a managing unit operable to create management information for collectively managing the plurality of stored multimedia data and the attribute information, to manage the plurality of stored multimedia data with reference to the attribute information associated with the management information, the plurality of stored multimedia data and the attribute information being kept under management in association with each other, to refer to the data type included in the attribute information associated with the management information, and to change a process, performed by the outputting unit, for outputting the plurality of stored multimedia data according to the data type. The combinations of (1) Vallone, Vynne and Mohamed, (2) Vallone, Vynne and Augenbraun, and (3) Vallone, Vynne and WO 99/22502 all fail to disclose or suggest the multimedia data and the attribute information as recited in claim 32.

Regarding Vallone, it discloses a system including a parser 401 that receives an input stream and divides the stream into events, private data, video, and audio which are stored in separate buffers 410-413. Program logic reads the events stored in the event buffer 413 (602) and generates a sequence of logical segments 603 which correspond to parsed MPEG segments 615. The program logic continues to generate the logical segments 603 until a fixed buffer size is reached. Once this occurs, the program logic generates a new buffer, called a packetized elementary stream (PES) buffer 605 containing these logical segments 603 in order, plus ancillary control information. This new buffer is then passed to other logic components, which may further process the stream in the buffer by, for example, presenting it for decoding or writing it to a storage medium. (See column 6, line 29 - column 7, line 37 and Figures 4-6).

In the rejection, the ancillary control information is relied upon as corresponding to the claimed attribute information. However, as discussed above, the program logic generates the ancillary control information when it generates the PES buffer 605. The ancillary control information is not disclosed in Vallone as being received by the parser 401 in the input stream. Therefore, Vallone clearly does not disclose or suggest the claimed feature of the receiving unit operable to sequentially receive a plurality of multimedia data and attribute information, the plurality of multimedia data and the attribute information being included independently of each other in broadcast data. Also, as admitted in the rejection, Vallone fails to disclose or suggest attribute information including a table of information respectively corresponding to the plurality of multimedia data, and the table of information including information indicating a data type of the plurality of received multimedia data. Further, Vallone fails to disclose or suggest a

managing unit operable to create management information for collectively managing the plurality of stored multimedia data and the attribute information, to manage the plurality of stored multimedia data with reference to the attribute information associated with the management information, the plurality of stored multimedia data and the attribute information being kept under management in association with each other, to refer to the data type included in the attribute information associated with the management information, and to change a process, performed by the outputting unit, for outputting the plurality of stored multimedia data according to the data type.

Additionally, regarding the provisional application to which Vallone claims priority, it discloses a method for transmitting data used for ensuring that information in a central site database 100 is the same as information in a client site database 200. Specifically, the data contained in the database of the server is appropriately divided into a plurality of pieces of data (subsets), and the subsets are transmitted as object data to a terminal (a client system 101) using a broadcast wave (broadcast transmission 108) or a telephone line (telephony service 111). The terminal collects the transmitted data so as to construct the same data as the data contained in the database of the server.

Further, "The database of television viewing information" section discloses a viewing object and the "Basic Television Viewing Object Principles" section discloses that television viewing objects are structured as a collection of attributes. This clearly means that a portion of the viewing objects is the attribute, and a collection of the attributes is the objects. Therefore, the "attribute" and "object" are not independent from each other in a broadcast wave. As a result, at least one of Vynne, Mohamed, Augenbraun and WO 99/22502 must disclose or suggest the above-discussed features recited in claim 32 in order for at least one of the three rejections to render claim 32 obvious.

Vynne discloses that digital data (watermark, signature), which is embedded in compressed video data, is extracted from video data. Further, as shown in Table 3.1, signature information is extracted from a video frame so as to construct table information. However, Vynne does not disclose or suggest a table of information including information indicating a data type of the plurality of received multimedia data or referring to the data type included in the attribute information associated with the management information, and to change a process, performed by an outputting unit, for outputting the plurality of stored multimedia data according

to the data type as recited with regard to the receiving unit and managing unit, respectively, in claim 32. Therefore, at least one of Mohamed, Augenbraun and WO 99/22502 must disclose or suggest these features in order for at least one of the three rejections to render claim 32 obvious.

Regarding Mohamed, it discloses the extraction of a descriptor representing information indicating a feature of content, such as audio data and video data, from the content, so as to effectively retrieve the content using the extracted descriptor. However, Mohamed does not disclose or suggest a table of information including information indicating a data type of the plurality of received multimedia data or referring to the data type included in the attribute information associated with the management information, and to change a process, performed by an outputting unit, for outputting the plurality of stored multimedia data according to the data type as recited with regard to the receiving unit and managing unit, respectively, in claim 32.

Regarding Augenbraun, it discloses that transmitted information is augmented with attributes which are used at a receiver to select and locally store information that is of interest to each receiver's user, wherein the attributes and the user selection pattern determine the criteria for storing information locally. The attributes include the utility of each data element in time; interest categories and a level of interest for each of the categories determined for the collective users; repeat time to the data element; and a hyperlink to associated data elements. Therefore, Augenbraun discloses a technique for storing necessary information from the transmitted information by using the attributes and the user selection pattern. However, Augenbraun does not disclose or suggest a table of information including information indicating a data type of the plurality of received multimedia data or referring to the data type included in the attribute information associated with the management information, and to change a process, performed by an outputting unit, for outputting the plurality of stored multimedia data according to the data type as recited with regard to the receiving unit and managing unit, respectively, in claim 32.

Regarding WO 99/22502, it discloses a system for delivering web content from a webcast center over a broadcast medium to multiple clients. The web content is in the form of web pages found at the sites. The web pages are constructed from various types of content including computer data, audio, video, animation, bit maps or other graphics, applications or other executable code, text, hyper media, or other multimedia types. However, WO 99/22502 does not disclose or suggest a table of information including information indicating a data type of the plurality of received multimedia data or referring to the data type included in the attribute

information associated with the management information, and to change a process, performed by an outputting unit, for outputting the plurality of stored multimedia data according to the data type as recited with regard to the receiving unit and managing unit, respectively, in claim 32.

Based on the above discussion, it is apparent that none of the combinations of (1) Vallone, Vynne and Mohamed, (2) Vallone, Vynne and Augenbraun, and (3) Vallone, Vynne and WO 99/22502 disclose or suggest the present invention as recited in claim 32.

Regarding claim 37, it is patentable over the combinations of (1) Vallone, Vynne and Mohamed, (2) Vallone, Vynne and Augenbraun, and (3) Vallone, Vynne and WO 99/22502 for reasons similar to those set forth above in support of claim 32.

Claim 35 has been rejected as being obvious from the combinations of (1) Vallone, Vynne, Mohamed and "Official Notice", (2) Vallone, Vynne, Augenbraun and "Official Notice", and (3) Vallone, Vynne, WO 99/22502 and "Official Notice". However, claim 35 is submitted to be patentable over these references for the reasons set forth above in support of claim 32, since claim 35 depends from claim 32.

Claims 38-41 have been rejected as being obvious from the combinations (1) Vallone, Vynne, Mohamed and Shoff (US 6,240,555), (2) Vallone, Vynne, Augenbraun and Shoff, and (3) Vallone, Vynne, WO 99/22502 and Shoff.

Regarding Shoff, it discloses a technique for obtaining supplemental content synchronized with a video content program, thereby allowing a viewer to perform interactive control on the video content program. In order to enable the interactive control, an electronic programming guide (EPG) is checked, and it is determined whether or not the video content program can be controlled in an interactive manner. If it is determined that the video content program can be controlled in an interactive manner, then a target specification is obtained from the EPG and activated. The target specification contains information about the supplemental program to be used to extend the video content program.

However, it is apparent that the technique of Shoff merely controls the video content program in an interactive manner when the EPG contains information which allows for such control. Shoff does not disclose or suggest a table of information including information indicating a data type of the plurality of received multimedia data or referring to the data type included in the attribute information associated with the management information, and to change a process, performed by an outputting unit, for outputting the plurality of stored multimedia data

according to the data type as recited in claims 32 and 37. As a result, claims 38-41 are submitted to be patentable over these references for the reasons set forth above in support of claims 32 and 37, since each of claims 38-41 depends from one of claims 32 and 37.


Because of the above-mentioned distinctions, it is believed clear that claims 32 and 35-43 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 32 and 35-43. Therefore, it is submitted that claims 32 and 35-43 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Eiji UEDA et al.

By:



David M. Ovedovitz
Registration No. 48,336
Attorney for Applicants

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 12, 2008